

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ONLINE DVD RENTAL
ANTITRUST LITIGATION

Case No. M:09-02029 PJH JCS
MDL No. 2029

**DISCOVERY ORDER RE: NETFLIX
[Docket No. 228]**

This documents relates to:

ALL ACTIONS

On September 16, 2010, the Plaintiffs and Defendant Netflix filed a Joint Discovery Letter [docket no. 228] (the “Joint Letter”).

On September 24, 2010, the Court held a hearing on the Joint Letter. This Order confirms the oral order entered on the record at the hearing.

For reasons stated on the record, and good cause shown, IT IS HEREBY ORDERED that:

1. Plaintiff’s demand for additional custodians. Defendant Netflix shall search the file of the five (5) new custodians listed at page 12 of the Joint Letter using the same search terms that were used before and produce the documents by October 8, 2010. Parties to meet and confer on how the documents shall be produced.

2. Updates to Netflix’s Written Discovery and Document is DENIED, except that the parties agreed, and the Court orders that Netflix shall be precluded from putting into evidence any corporate records that are in its possession that were generated or dated after September 1, 2009, unless they were produced during discovery by the discovery cut-off.

3. Production of Plaintiffs’ Correspondence with State Attorney Generals and Consumer Groups. By October 8, 2010, the Plaintiffs shall complete the search and produce the requested documents to Netflix.

1 4. Netflix's Assertion of Privilege Concerning the Defenses and Affirmative Defenses it has
2 Pled. Court finds no waiver of attorney-client privilege by assertion of the affirmative defenses

3 IT IS SO ORDERED.

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5 Dated: October 20, 2010


6 JOSEPH C. SPERO
7 United States Magistrate Judge
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